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A PROBLEM FOR SOCIOLOGISTS.

It is a common idea in the community, even among those who are well educated, that a lunatic is necessarily one who raves and rages, kicks, bites, and strikes at all who approach him; tears his hair and denudes himself of his clothing; and who, being possessed of an overpowering impulse to dash his brains out against a wall or a stone pavement, or to kill his keeper, must be forcibly restrained by a strait-jacket or some other contrivance for keeping him in subjection.

It is perhaps an unfortunate thing for society that this idea is not correct, and that all the insane are not the violent and ferocious beings they are popularly supposed to be. If they were, we should know exactly what to do with them, and there would be no doubt in the minds of judges, juries, and especially the newspaper press, in regard to their responsibility before the law. Moreover, we should not often be called upon to witness the humiliating spectacle of a number of medical gentlemen, assuming to be familiar with the subject of insanity,—many of them being superintendents of lunatic asylums,—coming into court and testifying: one set, that an alleged murderer is entirely irresponsible for his acts by reason of being insane, and that therefore he ought to be acquitted; and the other, that he is a criminal of as sound a mind as any who ever stood in a dock, and consequently entirely worthy of ending his wretched life on the gallows.

But, so far from the majority of the insane corresponding to the description I have given, there are very few, comparatively speaking, to whom it is applicable. From that extreme point there are numerous gradations toward the normal state, till we come to a class of persons relative to whose mental soundness there is more or less doubt. Clearly insane from one point of view, they are as certainly sane from another: evidently irresponsi-

ble for their acts according to one theory, surely amenable to justice according to the other.

Much of the difference of opinion relative to such individuals arises from the dissimilarity of the views held by jurists and alienists in regard to what constitutes insanity. At no very remote period there was entire uniformity in this respect, but science has advanced more rapidly than law, and many varieties of mental alienation are now known to exist which, when Blackstone wrote, were not recognized as departures from the ordinary standard of sanity to the regions of disease. In fact, the idea which all entertained was not essentially different from that to which I have just alluded. A lunatic was a raving maniac—a person who did not know the nature and consequences of his acts; on this point law and medicine were in perfect accord. At a period a little farther back the maniac was ordinarily regarded as possessed by a devil, and a proper subject, not for medical treatment, but for the offices of the church, and, if they failed, the stake.

When, therefore, a law was passed that no insane person should be punished, it referred not to the newly discovered forms of insanity, but to those others, of the nature of which there was no doubt. It does not define what insanity is, because when enacted there was no occasion for so doing. As a consequence, judges and juries give the term any interpretation they choose, often acquitting red-handed murderers who claim to have been insane; and some physicians, scarcely ever meeting with a human being of perfectly normal mind in every respect, are ready to apply it to five-sixths of the human race. Others again, regarding crime as a disease, look upon every criminal as a lunatic, and the more ferocious he may be, the more horrible and beastly the crimes he may have committed, the greater the evidence to their minds that the perpetrator was of unsound mind. To hang one of these "mild-mannered," irresponsible lunatics, is an abhorrent thing to them; punishment as such is lost upon these creatures; they should be cured or reformed.

But society has to deal with the matter in a much more practical way. With the natural selfishness existing in the human race in all parts of the world, but which, being inborn, is a part of its organization, mankind looks to its own protection, rather than to the enforcement of the principles of abstract justice. Hence, when an individual apparently of accurate perceptions and sound intellect,—one who, in all the relations of life, has per-

formed his part shrewdly, who, in a word, has always shown that he knew what he was about, commits a crime, and it is alleged in his defense that he was suddenly actuated by a "morbid impulse," judges representing society are very apt to lay down the law in a way to convince the jury that the only "morbid impulse" they can recognize is that which actuates every criminal. To the form of lunacy which exists in these people the term emotional insanity is applied.

It is the general belief of the laity that emotional insanity is an expression used to designate the state of mind of an individual who, feeling aggrieved at some real or imaginary wrong done him, works himself up into a condition of extreme excitement, and, deliberately seeking out the offender, murders him. This is a notion which has been promulgated mainly through the reporters of the proceedings of the criminal courts, and is far from being correct. Emotional insanity is rather that species of mental derangement in which, the intellect being little, if at all, involved, some one or more of the emotions are exalted to such a degree as to govern the individual to the exclusion of his reason, and to cause him to perpetrate acts which in his normal condition he would not commit. There is, therefore, in such persons no error of judgment, no defect of intelligence, no failure of memory; but there is a desire—irresistible, it may be—to act in a manner contrary to their sense of right, and because they obtain an intense degree of pleasure from so doing. They wish to act exactly as they do act; there is no antagonism between their will and their sense of right; and hence they are unlike those others, the subjects of true morbid impulse, who, losing the control of the will, perpetrate murders and other crimes, not only in opposition to their convictions of right and wrong, but contrary to their desires.

It may be asked how these persons differ from ordinary criminals. How, for instance, is the kleptomaniac, who steals for the love of stealing, to be distinguished from an ordinary thief, who also steals for the love of stealing? A case in point will probably help to make the matter clearer than would any mere verbal description.

A young man, a student of law, suffered from an attack of scarlet fever. During the stage of convalescence, as he was one day sitting at his window looking out on the street, his attention was attracted by two men, each of whom wore a very large

watch-chain. They passed on, and he thought nothing more of the circumstance till that night, when he awoke suddenly from a sound sleep, with the idea that he must have those chains. He tried to dismiss the matter from his mind, but in vain. Do what he would, it constantly recurred to him; so he got up, and sat down to think over the strange desire with which he had so suddenly become possessed. Two or three hours were passed in this way, and then, it being daylight, he dressed himself and went out to walk, hoping that exercise in the morning air would rid him of his infatuation. But the effect was very different from what he had anticipated, and before he returned home he had made up his mind that no pleasure in this life could be comparable to that which he would derive from having the two watch-chains in his possession.

He was in good circumstances, a graduate of a well-known college, and in all the relations of life had borne himself creditably. Moreover, he had a very fine gold watch and chain, which had been given him by his father.

Five or six days elapsed, during which time the desire to obtain the watch-chains was the most prominent emotion of his mind. Hour after hour was passed in forming plans to get them into his possession, but there seemed to be no way by which his wish could be gratified. He watched from his window, he walked the street looking all around him in the hope of seeing the men. He even went to several large jewelry establishments and inspected the watch-chains, with the object of ascertaining if there were others like those on which his mind was set. He visited a large theater, and carefully scrutinized the audience; but all was to no purpose. Finally, one afternoon, as he was returning home from the office in which he was a student, he suddenly came face to face with one of the men he had previously observed. A glance was sufficient to show him that the coveted chain was in its place. He at once turned and followed the man several blocks till he observed him enter a jeweler's shop. He went in also. The man was talking to a salesman, and the watch and chain lay on the counter between them. The object of his desire was now within his reach. He stood by, as if waiting his turn to be served, trembling with excitement and joy, his eyes riveted on the chain. He determined not to leave the shop without getting the chain into his possession by some means or other. Suddenly he felt that the

time had come; and, without a moment's hesitation, he seized the watch and chain and dashed out of the door. The street was crowded; and twilight was just beginning. The cry of "Stop thief!" was at once raised, and he was hotly pursued; but, after running a short distance, he contrived to mingle with the crowd, and, retracing his steps quietly, actually had the boldness to pass the jeweler's shop again. He reached his house safely, exhausted with the excitement he had undergone, but happy in the consciousness of having successfully accomplished half his self-appointed task.

The gratification he experienced encouraged him to persevere in his efforts to obtain the other chain, and he continued on the look-out for the man who wore it. In the meantime he contemplated his acquisition with mingled feelings of pleasure and disgust. He had done more than he had intended, for he had no desire for the watch which he had stolen along with the chain. On the contrary, it was a source of great discomfort to him. Besides, although he was intensely gratified in possessing the chain, he could not disguise from himself the fact that he was a thief, and eligible to imprisonment for the crime of grand larceny. It was necessary to his peace of mind to return the watch; so he inclosed it in a box, and sent it, with many precautions for insuring his own safety, to the jeweler from whose shop he had taken it, with the request that it might be returned to the owner. As to the chain, not valuing it for any use it might be to him, he wrapped it in a piece of india-rubber cloth, and buried it in a hole which he dug for the purpose in the cellar.

But, after a time, from frequently analyzing his feelings, he perceived that the possession of the chain gave him no pleasure; it was the act of taking it which was the source of the satisfaction he had experienced. He therefore dug it up and sent it also back to the jeweler. He never saw either of the two men again, and gradually the desire to possess the other chain faded out of his mind.

But, about a year afterward, he was attacked with wakefulness which proved to be of the most intractable kind, and with pain in the head, vertigo, noises in the ears, hallucinations of hearing, and other symptoms of a disordered brain. He then came under the observation of the writer, and in the course of the examination to which he was subjected told the story which

has just been related. He also stated that he remembered very distinctly that, when the desire to obtain the watch-chains first occurred to him, he had experienced a severe attack of vertigo, and almost fell from the chair on which he was sitting. He was not quite sure that he did not for an instant lose consciousness. On inquiry being made of the jeweler to whom he said he had returned the watch and chain, it was ascertained that the account he had given of the robbery and the restorations was entirely correct.

Now, let us suppose that, on emerging from the jeweler's shop with the stolen watch and chain in his possession, he had been seized by a policeman: is there any doubt that, upon trial, he would have been found guilty of grand larceny and punished by incarceration for several years in the penitentiary? The stolen property would have been found in his possession. There would have been no witnesses in his behalf, and his own story of his abnormal desire would have received no attention as an extenuating circumstance. All who knew him would have testified to the facts of his perfect sanity, and to the correctness and reasonableness of his actions. That very day he had drawn up several complicated legal papers, and had been complimented by his preceptor for the intelligence and accuracy he had displayed.

But the circumstance that he was just recovering from an attack of scarlet fever, a disease which often leaves the brain in a weak condition, and the seizure with vertigo, conjoined with his subsequent conduct, leave no doubt that his brain was not in a perfectly healthy state, and that the desire he had so suddenly experienced was the result of cerebral disorder. The excitation of the feeling of pleasure at the anticipation of obtaining the chains was an emotional disturbance largely in excess of what the circumstance required, and was of itself strong evidence of the existence of mental derangement. For fifty dollars he could have purchased a better chain; he had money sufficient for all his wants, and, as we have seen, did not care for the thing he had stolen after he had once experienced the pleasure of stealing it. With that act the morbid state of mind seems at once to have begun to disappear, and in a short time had altogether vanished. It is quite certain that if he had not accidentally met one of the men he would much sooner have regained his mental health. Now, how does the criminal act of such a person differ from the like conduct of a vulgar thief?

So far as the act itself is concerned, there is no difference. In both there is deliberation, a purpose to be effected, and an entirely sane adaptation of means to ends in its accomplishment. No one, no matter how sharp his wits, or how experienced he might be in the various methods of robbery, could have planned and executed the theft in question with more courage and dash, with greater probability of success, and with more likelihood of getting away safely with his booty.

But there is, nevertheless, this great difference: the common thief steals for a living, for the sake of the material benefit to be derived from the conversion of the thing stolen to his own use. The subject of the kind of emotional insanity illustrated by the young law-student cares nothing for the object he has purloined after it is in his possession. It is the act of stealing which gives him pleasure. Whether the one theft is morally worse than the other is a point which I think admits of serious question. Both individuals are actuated by desire, and by the anticipation of pleasure to be derived from the gratification of the desire; but in the one it is the pleasure of possession and the ultimate advantage to accrue therefrom; in the other it is the pleasure of action, which ends with the accomplishment of the act. It is only subsequently that we become acquainted with circumstances which induce us to think that the latter may possibly not have been entirely responsible for his conduct. There are many, however, on the other hand, who claim the same measure of irresponsibility for the professional thief.

The object of the laws against stealing is to protect the property of the members of a community against the depredations of those who may conceive a desire to appropriate it to their own use. If a person perpetrating a criminal act can successfully allege in his defense that he was actuated by an impulse, and that it was necessary for his happiness that he should steal, I do not see but that the laws providing penalties for stealing should be repealed, and every owner of property be told to protect it himself; for the common thief, also, has an impulse to steal, and it is necessary for his happiness that he should do so. The mere fact that the one steals for the love of stealing, and the other to obtain possession of something he can use, or convert into money, or food, or clothing, or bad whisky, is a point with which it appears to me society need not concern itself, except to see that both are suitably punished. Both have,

in fact, been actuated by morbid impulses, and both have violated the law.

It is impossible for most of us, however, to avoid sympathizing to some extent with the young man who, having been honest and upright all his life, suddenly becomes possessed with the apparently overwhelming desire to obtain possession of something which does not belong to him. And it is very easy to find reasons why he should not be punished, or, if already convicted, pardoned. He had been ill, his mind must have been enfeebled; he experienced a vertigo at the time the impulse came upon him, and persons suddenly seized with vertigo have been known to commit perfectly unreasonable murders. It was an impulse he could not resist; he made no use of the things stolen, and he returned them to the place whence they had been taken. In short, he had a diseased brain, and was irresponsible.

But it appears to me that these allegations do not touch the point at issue. We may admit, without discussion, that his mind at the time he first entertained the wish for the chains was not in a healthy state; that, in fact, his mental processes were not such as his brain in its normal condition would have produced; and even then, we do not touch the question of his irresponsibility. For every person with a diseased brain is not unaccountable for his acts, whatever certain advanced, yet ignorant moral philosophers, may say to the contrary, and the law is constantly being administered on this principle. A person, for instance, who has taken a glass of whisky too much, has for the time-being a diseased brain. There is more blood circulating through it than is natural, and moreover, that which passes through the cerebral vessels is poisoned with alcohol. I had once under my observation a man who always felt an overpowering desire to steal when he was drunk, but who was, when sober, a very peaceable, law-abiding person. It is probable that most thieves and robbers are, at the time they steal, more or less under the influence of alcohol; yet no one thinks of excusing them on that account. The fact that they voluntarily put themselves in that condition has nothing to do with the question of their irresponsibility. The young man voluntarily placed himself at the window before which the men passed. If he had not gone to the window, he certainly would not have felt the wish to steal their watch-chains.

And, moreover, it does not by any means follow that every

individual with an unlawful impulse he wishes to gratify, and which may directly result from a diseased brain, is incapable of exercising the necessary amount of control. In the case under consideration, and in many others of like character which have been noticed, there was no such determined effort at resistance as society has a right to expect of all persons who are tempted. The young man was in pursuit of happiness, and it apparently made no difference to him whether his act was legal or illegal, so that his peace of mind was assured. When he felt that his impulse was getting the better of his judgment, that it was urging him to perpetrate an action which was not only dishonorable and immoral, but which, if discovered, would render him liable to severe and disgraceful punishment, and that not only he, but his family would suffer, it was clearly his duty to place himself in such a condition as would have rendered it impossible for him to yield. He should have left the city, or have informed his friends of the incomprehensible desire which had suddenly seized him, and have begged them to take him at once under their supervision. All this he had the power to do, but he preferred, instead, to gratify himself, knowing well the nature and consequences of his act. Many an impulse worse than his has been overcome by similar, or even more severe measures, voluntarily taken by the subjects themselves. And many a professional law-breaker has become such by yielding to an impulse which might in the beginning have been readily controlled.

The growth of a habit of committing improper or unlawful acts is very rapid, as is well shown in the following instance.

A lady came under my observation who was subject to no delusion, and who had never exhibited any evidence of mental alienation except in showing an impulse, which she declared she could not control, to throw valuable articles into the fire. At first, as she said in her confession to me, the impulse was excited by the satisfaction she derived from seeing an old pair of slippers curl up into fantastic shapes after she had thrown them into a blazing wood-fire. She repeated the act the following day, but, not having a pair of old shoes to burn, she used instead a felt hat which was no longer fashionable. But this did not undergo contortions like the shoes, and therefore she had no pleasurable sensations like those of the day before, and thus, so far as any satisfaction was concerned, the experiment was a failure. On the ensuing day, however, she felt, to her great surprise, that it

would be a pleasant thing to burn something. She was very clear that this pleasure consisted solely in the fulfillment of an impulse which, to a great extent, had been habitual. She therefore seized a handsomely bound prayer-book which lay on the table, and throwing it into the fire, turned away her face, and walked to another part of the room. It was very certain, therefore, that she was no longer gratified by the sight of the burning articles. She went on repeating these acts with her own things, and even with those which did not belong to her, until she became a nuisance to herself, and to all those with whom she had any relations. Her destructive propensities stopped at nothing which was capable of being consumed. Books, bonnets, shawls, laces, handkerchiefs, and even table-cloths and bed-linen, helped to swell the list of her sacrifices. As soon as she had thrown the articles into the fire, the impulse was satisfied. She did not care to see them burn; on the contrary, the sight was rather disagreeable to her than otherwise. But the power which affected her in the way it did she represented as being imperative, and, if not immediately allowed to act, giving rise to the most irritable and unpleasant sensations, which she could not describe otherwise than by saying that she felt as if she would have to fly, or jump, or run, and that there was a feeling under the skin all over the body as though the flesh were in motion. As soon as she had yielded to the impulse, these sensations disappeared. She was eventually cured by being placed under restraint and subjected to medical treatment.

If the young law-student had encountered the other man with the watch-chain soon after stealing from the first, it is quite within the range of probability that he would have acquired a habit of stealing which would have clung to him all the rest of his life.

The motives of a person committing a crime are not to be considered in the estimate we may form of his criminality. They may be an extenuation of his sin, but sin and crime are two very different things. With the first, society has nothing to do; but the latter, being a violation of law, concerns it very intimately. When the plea of insanity is raised, the only questions it can consider are: Did the perpetrator know the nature and consequences of his act? If suffering from an alleged morbid impulse, did he do everything in his power to make the yielding to this impulse an impossibility? Unless he can show that in this latter

case he did everything which an otherwise sane man would do to avoid committing a crime, he ought to suffer the full penalty of the law. Persons with morbid impulses to commit crimes have frequently informed the authorities of their misfortune, and have begged to be incarcerated till the impulse has passed off. And one poor man, in Belgium, who experienced a sudden overwhelming force urging him to kill his wife, deliberately cut off his right arm rather than commit what he knew was not only a crime, but an act against which every principle of his being revolted.

A man with murderous tendencies which he is unable to restrain, is as much an enemy of society as a ferocious tiger or a mad dog, and ought to be dealt with in quite as summary a manner as we deal with these animals. It is all very well to talk of the inhumanity of such a proceeding, and to urge sequestration in a lunatic asylum as amply meeting the requirements of the case. But experience teaches us that, though it may be very difficult for a sane person improperly committed to get out of an asylum, it is the easiest thing in the world for a lunatic who has committed a crime to walk out of its doors with the full consent of the superintendent. Till these things are changed, the law, as recently laid down by Judge Noah Davis, of the Supreme Court of this State, and by Judge Cox, of the District of Columbia, and as almost universally held by the English judges, that "every one is responsible who knows the nature and consequences of his act," is no more than sufficient for the protection of society—the prime object of every law.

WILLIAM A. HAMMOND.